

**IN UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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IN RE: BEXTRA AND CELEBREX  
MARKETING AND SALES PRACTICES  
AND PRODUCT LIABILITY LITIGATION

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MDL Docket No. 1699

Judge Charles R. Breyer

DIANE ALEXANDER, et al.,

Plaintiff,

v.

G.D. SEARLE LLC, et al.,

Defendants.

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STIPULATION AND PROPOSED  
ORDER OF DISMISSAL  
WITHOUT PREJUDICE

CASE NO. 3:05-cv-4781-CRB

**IT IS HEREBY STIPULATED AND AGREED** by and between counsels for the Plaintiff and counsel for the Defendants that the Complaint of Plaintiff **Dava Smith** is hereby dismissed without prejudice.

1. Plaintiff is Dava Smith; defendants are Pfizer, Inc., Pharmacia Corporation, Monsanto Company, and G.D. Searle L.L.C.;
2. On April 5, 2005, Plaintiff sued Defendants;
3. Plaintiff moves to dismiss her claims against Defendants;
4. Defendants have not answered these claims;
5. This case is not a class action;
6. A receiver has not been appointed to this action;
7. Plaintiff has not dismissed an action based on or including the same claims as those present in this suit.

8. Should Plaintiff or a representative of Plaintiff attempt to re-file her claims against Defendants, she shall do so only by filing said claims in Federal Court.

Respectfully submitted:

Dated: 12-21-06

By: [Signature]  
Gerald B. Taylor, Jr. (AL State Bar No. 24AY026)  
Email: jerry.taylor@beasleyallen.com  
Navan Ward, Jr. (AL State Bar No. WAR062)  
Email: navan.ward@beasleyallen.com  
Andy D. Birchfield, Jr. (AL State Bar No. BIR006)  
Email: andy.birchfield@beasleyallen.com  
BEASLEY, ALLEN, CROW, METHVIN,  
PORTIS & MILES, P.C.  
Post Office Box 4160  
Montgomery, Alabama 36103-4160  
(334) 269-2343 telephone  
(334) 954-7555 facsimile

*Attorneys for Plaintiff Gary Smith*

**GORDON & REES**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Stuart M. Gordon, Esq.  
Embarcadero Center West  
275 Battery Street 20th Floor  
San Francisco, CA 9411  
(415) 986-5900 (Tel.)  
(415) 986-8054 (Fax)

*Defendant's Liaison Counsel*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: January 3, 2007

Honorable Charles R. Breyer  
United States District Court

